

REMARKS

Favorable consideration and allowance are requested for claims 46-68 in view of the following remarks.

Status of the Application

Claims 46-68 are pending in this application. Claims 1-45 were previously cancelled. Claims 46-56, 59, and 62-64 were rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,592,159 A to Tsai *et al.* (the “Tsai patent”) in view of the U.S. Patent No. 4,700,912 A to Corbett (the “Corbett patent”). Claims 57, 58, 60, and 61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tsai patent in view of U.S. Patent No. 3,196,822 A to Bertin *et al.* (the “Bertin patent”). Claims 46 and 54 have been amended. Claims 65-68 have been added.

Rejections under 35 U.S.C. § 103(a)

According to the outstanding Office Action, the subject matter of claims 46-56, 59, and 62-64 is rendered obvious by the combination of the Tsai and Corbett patents.¹ In response, Applicant respectfully submits that these claims are patentable over the cited references, especially in light of the amendments to independent claims 46 and 54. Support for these amendments can be found at

¹ Applicant notes that the Office Action states that these claims are “rejected under 35 U.S.C. 102(b) as anticipated by [the Tsai patent] in view of [the Corbett patent].” However, the discussion that follows in the Office Action applies an analysis under 35 U.S.C. § 103(a), which is how Applicant is treating the rejection.

least in ¶ [0045] of the published version of the specification, *i.e.*, U.S. Patent Publication No. 20070029442:

In addition, the aircraft transmits information about the aircraft itself, for example, its speed, height, weight and shape, which is received by the receiving means of the data-acquisition and receiver unit 15. Based on this information, the control device 14 determines the velocity of the air current to be generated needed for decelerating the aircraft. More exactly, the velocity is adjusted via control signals to the turbofans 11 so that by combining the propulsive power of the aircraft and this counteracting kinetic energy of the air current, the speed of the aircraft is reduced to zero. If necessary, the efficiency of the air current in this case can be increased further, by commanding the spraying devices via control signals of the control device 14 to inject water droplets into the air current to be generated, which increases the density of the current. If necessary, the spraying devices 13 can also be commanded via control signals of the control device 14 to inject a fire-extinguishing agent into the air current to be generated.

With regard to the cited references, in the Corbett patent, a salt spray is used in order to enable an approaching aircraft to detect and display a column of air. *See* Corbett patent at Abstract. The Office Action concludes that this salt spray “would inherently increase the fluid current’s deceleration effect.” Office Action of April 5, 2010 at 3. However, as Applicant explained in the Reply filed on September 10, 2009, a person skilled in the art would understand the present invention to require the use of a considerable amount of the at least one substance having higher specific density than the fluid current “to increase its deceleration effect and/or its acceleration effect.” The Corbett patent in no way discloses or suggests the use of such a considerable amount of salt spray, as the salt spray described in the Corbett patent is merely used to make an air column visible.

In addition, the Tsai and Corbett patents do not disclose or suggest, either alone or in combination, enriching the fluid current “in response to the detected information” on an aircraft. For at least these reasons, Applicant respectfully submits that claims 46-56, 59, and 62-64 are patentable over these references.

The Office Action further states that the subject matter of claims 57, 58, 60, and 61 is rendered obvious by the combination of the Tsai and Bertin patents. In response, Applicant respectfully submits that the Bertin patent does not disclose or suggest the subject matter of claim 54 not disclosed in the Tsai patent. Therefore, claims 57, 58, 60, and 61 are also patentable.

New Claims 65-68

Claims 65-68 have been added by way of the present amendment. Support for these new claims is also found in ¶ [0045] of U.S. Patent Publication No. 20070029442. Applicant respectfully submits that these claims are patentable for at least the same reasons as independent claims 46 and 54. In addition, Applicant submits that none of the cited references disclose or suggest “determining based on the detected information whether enriching the fluid current is necessary in order to achieve a required deceleration effect or acceleration effect” or using the “speed of the flying object; [the] height of the flying object; [the] weight of the flying object; [or the] shape of the flying object” as the detected information.

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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #102167.57012US).

Respectfully submitted,

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